

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6193 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

K.R.BHATT & OTHERS

Versus

STATE BANK OF SAURASHTRA & ANR.

Appearance:

MR SM MAZGAONKAR for the Petitioners

MR JD AJMERA for the Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/09/96

ORAL JUDGEMENT

1. The petitioners by this petition challenges the supersession in the matter of the promotions declared by the respondent Bank vide Memo no.42 dated 21-5-1984 to the Middle Management Grade II from the Junior Management Grade I. The petitioners have prayed in this Special Civil Application that the memo no.42 dated 21-5-1984 under which the promotions have been made be quashed and set aside and the respondent Bank may be directed to

reassess the merits of the eligible candidates on correct and relevant criteria. Some other prayers are also made.

2. Under the Memo dated 21-5-1994, annexure 'B' as many as 32 + 4 + 34 + 99 Officers have been given the promotion. None of the officers who have been given promotion under the said memo has been impleaded as party to this petition. The petitioners have prayed for quashing of that promotion letter of those persons and for making the promotion afresh.

3. The counsel for the petitioners contended that the petitioners are challenging the policy of the Bank regarding promotion and not the order of the promotion. It is difficult to accept this contention. The challenge is to the promotions of the persons who are junior to the petitioners and specific prayer has been made for the quashing of the order of the promotion, and in case, that order is quashed and set aside as prayed by the petitioners then certainly those persons will suffer. The promotees are the necessary party to this petition who have not been joined here. This writ petition deserves to be dismissed only on the ground of nonjoinder of necessary party. Otherwise also the acceptance of prayer made in this petition will cause prejudice to the interest of the persons who have been promoted. In their absence, if any order is made, certainly it will affect their civil rights and consequently such an order will be against the principles of natural justice. Reference, if any required, then it may have to the decision of the Supreme Court in the case of Ishwarsingh vs. Kuldip Singh reported in 1995 (Supp) (1) SCC 179.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

zgs/-